

in light of new grounds of rejection. However, the Examiner makes some comments with regard to the previous arguments, and the applicants respond briefly to those comments, in the order given.

At page 2 of the Office Action, the Examiner responds to the previous arguments that carpet tiles and broadloom carpets have different constructions and properties, as well as comments about the meaning of the Official Notice previously given. The Examiner states that the Official Notice was given for the fact that broadloom, carpet tiles, and wide roll carpet are "conventional forms of carpet," rather than for "the interchangeability of the various forms of carpet," as asserted by the applicants. The Examiner also asserts that the PVC plastisol backings are known to be applicable to each of these carpet types, despite the differences in the final structure of the carpet types.

The applicants reply as follows.

The Examiner has drawn a distinction in regard to the meaning of the Official Notice that appears contradictory. It is clear that broadloom, carpet tiles, and wide roll carpet are all "conventional" carpets, in that they are all known type of commercial products. However, to apply the teachings of one type of carpet to another type of carpet inherently seems to require a conclusion that the various types of carpet are "interchangeable" (at least insofar as their manufacturing) a conclusion that the Examiner specifically denies.

As for the Examiner's unsupported contention that PVC plastisol backings are known to be applicable to each of these carpet types, despite the differences in the final structure of the carpet types, the applicants believe this conclusion is incorrect, as has been noted in responses to other Office Actions, and is repeated again herein.

At page 3 of the Office Action, the Examiner responds to arguments about the meaning of the Tarkett reference. The Examiner states that Tarkett's teaching of coating a carpet backing with a foam latex having microspheres (Example 1B) is extendable to Tarkett's teaching of a plastisol

foam coating having microspheres. Additionally, the Examiner states that the DERWENT abstract for the cited Tarkett reference teaches that both the latex and the PVC foams are suitable for coatings onto carpets.

The applicants reply as follows.

First, as for the effect of the DERWENT abstract, it does not seem that an abstract of an article or patent can have more weight than the original document itself. In fact, a recent decision of the Board of Patent Appeals and Interferences stresses the importance of relying on the underlying scientific document, rather than an abstract. See Ex parte Jones, 62 USPQ2d 1206 (Bd. App. 2002). The original document does not support the Examiner's contention, and, therefore the abstract is without effect. Second, as for the applicability of aqueous latex chemistry to a plasticizer with PVC, a person skilled in the art would not combine these two incompatible forms of chemistry. As pointed out at pages 1-6 of the present application, a latex formulation is quite different from the formulations of the present invention.

Also at page 3 of the Office Action, the Examiner responds to the previous traversal of claims 32-34, 58, 59, and 61, and reiterates that the incorporation of blowing agents is a known alternative to mechanical frothing in producing foams. The Examiner cites the Joslyn patent for the proposition that the choice of method of foaming, as well as the expansion rate of the foam, is well within the skill of a person familiar with carpet arts.

The applicants reply as follows.

The applicants repeat and incorporate by reference their previous arguments at pages 9-10 of the response filed January 3, 2002. However, to briefly summarize a few of those points again, the Examiner has not explained why it would be obvious to actually incorporate a blowing agent into Tarkett. For a combination reference to be valid, there must be some element of one reference

that lends itself to incorporation into the teachings of another reference. While Tarkett mentions a large grouping of various ingredients, it does not once mention the presence of a blowing agent. Additionally, the identified claims are dependent claims. The independent claims, upon which the identified dependent claims, are patentable, for the reasons already explained, and therefore the dependent claims are also patentable, particularly because the Gerace reference does not remedy the deficiencies of the Christy reference. This point is discussed in more detail below.

At pages 3-4 of the Office Action, the Examiner rejects claims 23, 24, 26-28, and 63 under 35 U.S.C. §103(a) as being unpatentable over GB 1 151 521, assigned to Tarkett AB in view of J. Levinstein's *The Complete Carpet Manual*, page 27, L. Shoshkes' *Contract Carpeting*, Chapter 4, pages 60-67, Higgins (U.S. Patent No. 5,545,276), and further in view of Gerace (U.S. Patent No. 5,658,969). The Examiner indicates that the rejection is "analogous" to the rejection presented in the last Office Action, with the exception that the Gerace reference has been substituted for Christy (U.S. Patent No. 5,607,993).

More specifically, the Examiner indicates that Tarkett shows a foam material (which may be a plastisol) suitable for carpet backings, and, included in the foam material, are microspheres of alumina silicate. The Examiner admits that Tarkett does not explicitly teach the present claimed primary backing, adhesive pre-coat, intermediate backing layer, or reinforcement layer. However, the Examiner asserts that these layers are well-known in carpets, as indicated by the cited Levinstein, Shoshkes, and Higgins references. In light of these references, the Examiner argues that it would have been obvious to one of ordinary skill in the art to employ an adhesive or pre-coat to the primary backing, and to apply a secondary or intermediate backing thereto, before applying the inventive foam backing. Motivation to do so would be to securely bond the pile fibers into the primary backing and to add dimensional stability to the carpet.

The Examiner admits that the combined art of Tarkett, Levinstein, and Shoshkes does not teach polymeric microspheres. However, the Examiner asserts that polymeric microspheres are well-known alternatives to ceramic microspheres. The Examiner asserts that Gerace teaches PVC plastisol coatings and adhesives having hollow thermoplastic microspheres therein. Additionally, the Examiner believes that Gerace shows the use of thermoplastic microspheres to lower the coating density and increase other favorable properties.

Therefore, in the view of the Examiner, it would have been obvious to one of ordinary skill in the art to substitute polymeric microspheres for the ceramic microspheres of Tarkett, with the expectation of improved impact resistance and toughness, while reducing the density of the foam backing "even more." In view of this, the Examiner rejects the identified claims as being obvious over the cited art.

For the following reasons, this rejection is respectfully traversed.

As a starting point, while the Examiner states that Tarkett shows a foam material suitable for carpet backings, and that the material may be a PVC plastisol, this is not strictly true. As noted before, the reference to "textile carpet" in Tarkett is with respect to Example 1, which shows a latex composition. The non-equivalence of latex and plastisol formulations has been mentioned previously in response to other Office Actions. However, the most crucial aspect of the present rejection involves the substitution of the Gerace patent for the Christy patent. Gerace might seem more relevant to the present invention than Christy, which related to a low density bouncing putty (Silly Putty®). However, on closer examination, Gerace is not applicable to carpet technology either, i.e., it is non-analogous art.

More specifically, the Gerace abstract refers to plastisol coatings and adhesives, not carpets. A typical use of the Gerace technology is automobile underbody coatings, sealer coatings and the

like, as noted at column 1, lines 42-51. These applications, coupled with the extended discussion of fillers, as set forth at columns 17 and 18, suggest that the Gerace foams are relatively hard, unyielding products that must withstand direct contact with the weather, since the underbodies of automobiles clearly get wet. Such foams would appear to be utterly unsuitable as the backing for a carpet, which clearly requires a flexible and impact absorbing backing, not a hard material.

There is no indication in the cited reference that a person skilled in the art would consider a technology from automobile undercoats as applicable to a carpet. The differences between the two items are simply too large. From the standpoint of either structure or function, a hard automobile undercoat is not equivalent to a flexible carpet backing.

Additionally, the Examiner indicates that the expectation of improved impact resistance and toughness, while reducing the density of the foam backing would be important in carpet making technology. The Examiner does not explain precisely why those factors would be so important in carpet applications, since the applications are so vastly different. A carpet is not a car, and a coating/adhesive for cars is not a backing for carpets. While carpets must withstand foot traffic, the kinds of impacts a carpet receives are far different from those a car receives. Additionally, for reasons of fuel economy, a car must be as light as possible, as noted at column 1, lines 45-51, but weight is less important in a carpet. Gerace is clearly non-analogous art, and the Examiner has not provided any rationale why a person skilled in the art would consider the teachings of Gerace applicable to carpet technology.

Accordingly, this rejection should be withdrawn.

At page 5 of the Office Action, the Examiner rejects 25, 64, and 65 under 35 U.S.C. §103(a) as being unpatentable over the cited Tarkett, Levinstein, Shoshkes, and Gerace references as applied to claim 23 above. More specifically, the Examiner states that although the cited art does

not explicitly teach broadloom carpet, modular carpet tile, or wide roll carpet, these types of carpets are well-known in the carpet industry. The Examiner then gives Official Notice that broadloom, carpet tiles, and wide roll carpet are conventional types of carpet. Therefore, the Examiner asserts that the Tarkett reference inherently applies to the claimed type of carpets. In the alternative, the Examiner argues that it would have been obvious to one of ordinary skill in the art to employ the Tarkett invention in the known conventional forms of carpet, motivated by the application of the inventive foam backing to standard carpet production lines. In view of all the foregoing, the Examiner rejects the claims as being obvious over the cited prior art.

For the following reasons, this rejection is respectfully traversed.

For the same reasons set forth above with respect to the §103 rejection of claims 23, 24, 26-28, and 63, claims 25, 64, and 65 are also patentable. As indicated above, Gerace is non-analogous art and would not be combinable with Tarkett. Even if combined, Gerace does not show any substitution of one microsphere for another with respect to carpet manufacturing and further, Tarkett does not use an automobile sealant/coating in its carpet manufacturing.

With respect to the Examiner's Official Notice, applicants respectfully traverse and disagree with the Examiner's Official Notice and its position. The Examiner has still not provided any evidence to support this position, and therefore it should be withdrawn.

As detailed in previous responses to Office Actions and as clearly set forth in the present application, broadloom carpets are different from modular tiles, which are different from six foot wide roll goods. Specifically at pages 1-5 of the present application, the different construction and properties needed for modular tiles are discussed and compared to broadloom carpets. It is clear that designs used in broadloom carpets are not applicable to modular tiles or 6 ft. wide roll goods. In fact, at page 2 of the present application, lines 9 and 10, the present application specifically states

with respect to carpet tiles and 6 ft. wide roll goods that "[t]hey are different in properties and end use applications compared to traditional 12 ft. wide SBR latex back carpets." The present application further states that the construction and components of carpet tiles and 6 ft. wide roll goods are completely different from broadloom carpets and that the needs of such 6 ft. wide goods and tiles are significantly different. Accordingly, there is ample evidence in the present application to clearly show that these various forms of carpets are not interchangeable and are not similar to one another; therefore, Tarkett's reference to carpets does not "inherently" include all forms of carpets.

With respect to the Examiner's assertion that it would be obvious to one of ordinary skill in the art to use the invention of Tarkett in known conventional forms of carpets, again, the present application adequately responds to the Examiner's position by showing that the functional requirements and the structure of such various forms of carpets are significantly different and one skilled in the art would not simply take broadloom carpet knowledge and make carpet tiles and 6 ft. wide roll goods. The applicants have pointed out this argument in various previous responses without the Examiner providing any evidence to the contrary. The Examiner is respectfully requested to provide evidence to show the interchangeability of these various forms of carpets; otherwise, the Examiner is respectfully requested to withdraw this rejection.

Furthermore, with respect to Tarkett, it is respectfully noted that the reference to "textile carpet" in Tarkett is with respect to the latex composition in example 1 and as pointed out in pages 1-6 of the present application, a latex formulation is quite different from the formulations of the present invention. Further, the latex formulations set forth in example 1 of Tarkett do not contain a plasticizer. As indicated, latex formulations can be useful in 12 ft. broadloom carpets, but are not useful in other types of carpets.

In summary, the Examiner's comments regarding broadloom carpet, modular carpet tile, or

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wide roll carpet are similar to the previous assertions of the Examiner in earlier Office Actions. As noted above, the Examiner does not cite any references that support the assertion. The burden is on the Examiner to demonstrate, by means of credible scientific evidence, that the three different types of carpet are essentially the same. *not what is claimed* ✓  
Not

However, as this issue has come up before, the following comprehensive discussion is provided to supplement the information set forth in the application, and the arguments set forth above. This discussion, which includes a considerable amount of background material, and is supported by two declarations, is provided to emphasize the differences between modular carpet tiles and other types of carpet, and to explain in additional detail why a person skilled in the art of carpet making would not consider a modular carpet tile to be interchangeable with other types of carpet. The applicants hope that the comprehensive nature of this discussion and the supporting declarations will settle these issues insofar as the pending application is concerned. The following information is based on the declarations attached.

Carpet comes in various types, such as 12 ft. broadloom carpets, 6 ft. wide roll carpets, and modular carpet tiles. Modular carpet tiles are gaining a greater share of the market for carpets in the United States, for a variety of reasons, and therefore new types of carpet tiles, and methods for making these tiles, are in particular demand.

Modular carpet tiles have a number of significant advantages over other types of carpets. For instance, all carpets show wear in high traffic areas. Often, the bulk of the carpet will still be serviceable, but the presence of significant wear in a high traffic area will require the replacement of the entire carpet. By contrast, carpet tiles are removable and can be replaced in increments. In fact, carpet tiles can even be rotated, just like automobile tires, with worn tiles relegated to less critical areas. The option of removing or replacing individual carpet tiles is a significant advantage



of carpet tiles, and is of particular importance in "open office" situations, in which the floor plans must be rearranged to accommodate changes in office space and number of workers. Additionally, modular tiles simplify access to utilities, since the tiles can be removed without harming them. This is in direct contrast to broadloom carpets, which are permanently affixed to the floor, and only can be removed with great difficulty. Sometimes this removal damages the carpet that it cannot be reused, or at least has been altered unfavorably in appearance. These factors are well known in the industry. In fact, some building codes even require the use of modular carpet tiles in commercial or industrial settings, so as to simplify access to utilities and electrical installations.

From the discussion above, one can see that modular carpet tiles offer significant advantages over other types of carpet, and this is reflected in the greater market share being assumed by modular carpet tiles. However, producing satisfactory modular carpet tiles at acceptable cost is not straightforward.

Modular carpet tiles simply cannot be manufactured from 12 ft. broadloom carpets. While it might appear reasonable to a person without a thorough grounding in carpet making technology to assume that one could cut carpet tiles from a larger piece of carpet, such as a 12 ft. broadloom carpet, this approach would fail, for the following reasons.

All carpets are subject to stresses and pressures during normal usage. In 12 ft. broadloom designs, these stresses and impacts are spread across the wide surface of the carpet, thus damping the effect of any particular stress or strain. By contrast, each carpet tile is isolated and must bear the entire stress or strain that is applied to it. Additionally, the edges of the carpet tile cannot lift or shift appreciably, even under heavy impact or torsion, otherwise the uniform appearance of the carpet will be affected.

Because of this, dimensional stability and impact resistance are of far greater concern in

modular tiles than in other types of carpet. In other words, modular carpet tiles must be significantly more resistant to impacts and stresses than a corresponding broadloom carpet, since each carpet tile is isolated, and because each tile must stay in place even under heavy impact, without being able to dissipate the stresses and strains applied to it to a surrounding region, as would be the case with a broadloom carpet.

If one attempted to cut carpet tiles from a conventional broadloom carpet, the tiles would quickly fail, since they would lack the structural strength and dimensional stability necessary to withstand the applied stresses and impacts. In order to have an acceptable service life, modular carpet tiles must have superior physical and structural characteristics, and also must be formed by different methods, than broadloom carpets.

Therefore, methods that can be used to provide the special characteristics necessary to modular carpet tiles are in particular demand, since these types of tiles are assuming increasing importance from the commercial standpoint. In that respect, the claimed invention has several advantages over previous technology. For instance, the carpet tiles can be prepared in a one-step operation. Unlike other technologies, which require formation, and then lamination, the claimed invention can be prepared in a single step, in which the foam is casted on the backing and no foam cells need to be formed during the foaming process. This technique offers several advantages. First, the one-step method offers substantial advantages in terms of cost and efficiency, which reduces the overall cost of the finished product. For instance, one would not need a separate machine to laminate the final product. Additionally, the blowing rates and conditions suggested in the cited references would not produce a uniform product and would also require higher temperatures. In other words, the claimed invention creates better uniformity in the final product at lower temperatures. Both of these factors are highly important in a manufacturing process.

Second, the casted product offers improved strength. Testing performed by Mannington shows that carpet tiles produced by the casting method are extremely resilient to delamination. In fact, carpet tiles produced by the casting method cannot be delaminated without large amounts of physical force. In other words, the force necessary to produce delamination must be so extreme that the tiles are completely destroyed.

As noted above, one of the principal differences between carpet tiles and conventional broadloom carpets is the need for enhanced dimensional stability and resilience in carpet tiles. The present method of casting the foam on the backing leads to tiles having improved strength and dimensional stability, and these characteristics are of paramount importance for carpet tiles.

Therefore, it can readily be appreciated that products and methods described in the present application constitute a beneficial advance over the prior art, and are a particular advantage of the claimed invention.

This discussion, which also appears in the form of an attached declaration, supports the conclusion that modular carpet tiles are very different from wide roll goods, and calls into question the Examiner's assertion that technology applicable to wide roll carpet goods can be readily extended into applications involving modular carpet tiles. As the Examiner has not provided any evidence to refute the points made, it would appear that this matter should be settled.

Accordingly, for all the reasons set forth above, the rejection should be withdrawn.

At pages 5-6 of the Office Action, the Examiner rejects claims 29 and 30 under 35 U.S.C. §103(a) as being unpatentable over the cited Tarkett, Levinstein, Shoshkes, and Gerace references, as applied to claim 23 above. More specifically, the Examiner asserts that although the cited art does not explicitly teach the claimed carpet density, it is reasonable to presume that the carpet made according to the cited references would meet the density range claimed by the applicant. The

Examiner indicates that support for this presumption is found in the use of similar materials and the similarity of the final products.

For the following reasons, this rejection is respectfully traversed.

These claims would be patentable for the same reasons set forth above with respect to the patentability of claims 23, 24, 26-28, and 63.

Furthermore, with respect to the Examiner's argument that the carpet density set forth in claims 29 and 30 would be obvious in view of the cited references, the applicants respectfully disagree. The Examiner asserts that it is "reasonable to presume that a carpet made according to said art would meet the density range claimed by the Applicant." However, the Examiner provides no support for this position. First of all, as mentioned above, Tarkett does not relate to any specific carpet design and only mentions a foamed material, which contains ceramic microspheres. This is significantly different from polymeric microspheres, as acknowledged by the Examiner. Thus, this factor alone would affect the density of Tarkett. Furthermore, as indicated above, Gerace would not be combinable with Tarkett due to it being non-analogous art. One would not put an automobile undercoat or sealer into a carpet backing. In addition, the various other layers that the Examiner asserts would be obvious simply are not combinable with Tarkett since Tarkett does not teach or suggest any other various layers and the Examiner is essentially reconstructing the present application through hindsight, which is not permissible for purposes of a rejection.

In addition, as mentioned above, Tarkett does not relate to specific types of carpets and especially does not relate to modular carpet tiles or 6 ft. wide roll goods. In view of the information provided in the present application, at pages 1-6, and particularly in view of the extensive additional information provided in the present response (which is supported by the attached declaration), it can be seen that the density requirements and other needs of such products are significantly different

from other forms of carpets. Thus, it would not be obvious to achieve these density requirements in view of the cited art.

Accordingly, for all these reasons, this rejection should be withdrawn.

At page 6 of the Office Action, the Examiner rejects claim 31 under 35 U.S.C. §103(a) as being unpatentable over the cited Tarkett, Levinstein, Shoshkes, and Gerace references, as applied to claim 23 above. The Examiner admits that the prior art does not explicitly teach delamination values. However, the Examiner asserts that a carpet made according to the cited prior art would meet the presently claimed delamination values, since the prior art carpet meets the structural and compositional limitations of the present invention.

For the following reasons, this rejection is respectfully traversed.

Again, for the reasons set forth above with respect to the patentability of claims 23, 24, 26-28, and 63, claim 31 would also be patentable.

In addition, as appreciated by the Examiner, the cited art does not teach or even suggest delamination benefits or delamination values. Delamination is especially important with respect to modular tiles and 6 ft. wide roll goods and since Tarkett does not even relate to these goods, Tarkett could not possibly teach or suggest such delamination values. Certainly the secondary references and Gerace do not teach or suggest such delamination values either, and it is unclear how claim 31 can be rejected in view of the combined references, when none of the references alone or combined teach or suggest the claimed invention of claim 31.

Accordingly, for the reasons set forth above, this rejection should be withdrawn as well.

At pages 6-7 of the Office Action, the Examiner rejects claims 32-34, 58, 59, and 61 under 35 U.S.C. §103(a) as being unpatentable over the cited Tarkett, Levinstein, Shoshkes, and Gerace references, and in further view of Joslyn et al. (U.S. Patent No. 3,708,441). More specifically, the

Examiner asserts that the identified claims limit the thermoplastic backing to having an activated blowing agent. The Examiner notes that a frothing technique is employed to produce the foam in the Tarkett reference. However, the Examiner asserts that the use of blowing agents is a well-known alternate technique for producing foams by virtue of the Joslyn et al. reference, and therefore the selection of any one of the three equivalents (as taught by Joslyn et al.) would be within the level of ordinary skill in the art.

Additionally, with respect to the limitations of claim 59, wherein the foam expansion rate is recited, the Examiner asserts that the amount of expansion is dependent upon process parameters, such as amount of blowing agent present, temperature, pressure, etc. Thus, the Examiner asserts that the claimed expansion rate would have been obvious to one skilled in the art, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

For the following reasons, this rejection is respectfully traversed.

For the reasons set forth above with respect to the patentability of claims 23, 24, 26-28, and 63, this rejection should also be withdrawn. Clearly, claims 32-34, 58, 59, and 61 are patentable over the cited art. While the Examiner asserts that it is known to use blowing agents, the Examiner has not explained why it would be obvious to actually incorporate a blowing agent into Tarkett. Certainly, Tarkett mentions a large grouping of various ingredients that can be used, but not once mentions the presence of a blowing agent. The Examiner does not provide any adequate reason why the particular amounts set forth in claim 34, for instance, would be obvious. Furthermore, a foaming agent can have an effect on the overall product, and thus one cannot easily say that a blowing agent can be used in Tarkett. The interchangeability of mechanically stirring with air and the use of a blowing agent has not been shown by the Examiner. As mentioned in the present

application, for instance at pages 12-14, an advantageously lower blow ratio can be used with the present invention which is different from conventional blow ratios, and the present invention permits a consistent thickness across the entire product. This certainly is not shown or suggested by any of the art cited by the Examiner. This would also be true with respect to claim 59. Thus, while the Examiner asserts that these various limitations set forth in these dependent claims would be obvious, the Examiner cannot point to any portion of the prior art which specifically states these various limitations or even suggests these types of goals and advantages with respect to the product claimed in the present application.

Accordingly, for the reasons set forth above, this rejection should be withdrawn as well.

Furthermore, claim 58 further recites that the secondary backing is casted onto the primary backing. As indicated in previous responses, this is a unique advantage of one embodiment of the present application. The Examiner has not pointed to any piece of cited art that teaches or suggests this embodiment as specifically claimed in claim 58. As explained above, (and in the attached declaration) casting produces a unique product that has unusual resistance to delamination, a feature that is important in all carpet applications, but is especially important to modular carpet tiles, which require greater strength and resilience, as well as dimensional stability.

Accordingly, for the reasons set forth above, this rejection should be withdrawn.

At page 7 of the Office Action, the Examiner rejects claims 66 and 68 under 35 U.S.C. §103(a) as being unpatentable over the cited Tarkett, Levinstein, Shoshkes, and Gerace references. The Examiner also rejects claim 67 under 35 U.S.C. §103(a) as being unpatentable over the cited Tarkett, Levinstein, Shoshkes, Gerace, and Joslyn et al. references, and further in view of Ervin et al. (U.S. Patent No. 3,819,463) and page 362 of Rodriguez's *Principals of Polymer Systems*, Second Edition. The Examiner admits that the prior art does not explicitly teach whether

the foams are closed or open celled foams. However, the Examiner asserts that a closed-cell foam is obvious over the cited prior art. The Examiner suggests that Ervin et al. teaches a foam backing formed by foaming the backing composition between spaced platens in a press or parallel belts in order to obtain a constant thickness. As set forth at page 362 of Rodriguez's *Principals of Polymer Systems*, "closed-cell foams are typically produced in processes where some pressure is maintained during the cell formation process." The Examiner asserts that producing a closed-cell foam would have been a result of the process of maintaining a constant backing thickness.

For the following reasons, this rejection is respectfully traversed.

The reasons set forth above with respect to the patentability of claims 23, 24, 26-28, and 63 apply equally here, and, accordingly this rejection should be withdrawn for those reasons.

Furthermore, with respect to the Examiner's reliance on Ervin et al., the portion of the reference cited by the Examiner does not indicate that any closed cell-foams were actually formed. Likewise, the Examiner does not demonstrate that the process of Ervin et al. is the same as used in practicing the present application. For instance, as indicated to the Examiner previously, Ervin et al. describes a process using aqueous latex chemistry as set forth at column 2, lines 32-36. As indicated previously at pages 1-6 of the present application, such aqueous latex chemistry is quite different from the claimed invention and has numerous disadvantages especially with respect to certain types of carpets.

As for the Rodriguez reference, the particular passage relied upon by the Examiner is not even related to textile substrates and only mentions "foamed polymeric materials." One skilled in the art would not conclude that this article would be applicable to textile substrates, since textile substrates are not even mentioned in this particular article.

Furthermore, the Examiner relies on Ervin et al., which relates to aqueous latex chemistry,



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and the Examiner also relies on a portion of Tarkett which uses a plasticizer with PVC. This is a combination of very different chemistries. One skilled in the art would not combine PVC/plasticizer chemistry with aqueous latex chemistry since the two systems are incompatible. Thus, it is not obvious to take the particular chemistries set forth in Ervin et al. and apply them to Tarkett.

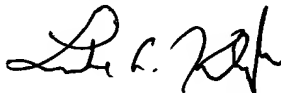
Accordingly, for these reasons, this rejection should be withdrawn as well.

### **CONCLUSION**

In view of the foregoing remarks, the applicants respectfully request the reconsideration of this application and the timely allowance of all the pending claims. The Examiner is highly encouraged to contact the undersigned by telephone should there be any remaining questions as to the patentability of the present invention.

If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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